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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,009	11/18/2003	Min-Ju Kim	P2051US	4195

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CHICAGO, IL 60606

EXAMINER

LE, TUAN H

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/716,009

Applicant(s)

KIM, MIN-JU

Examiner

Tuan H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephany et al (U.S. Pub. 2002/0171746 A1) and further in view of Shigemori (U.S. Pat. 6,907,136 B1).

Regarding **claim 1**, Stephany et al discloses a method for capturing images using templates, the method comprising: displaying a frame (20) and a reference outline (24) in a display unit, (see Stephany et al, Fig. 2 and Fig. 3); performing photography (112), (see Stephany et al, Fig. 1).

However, Stephany et al does not disclose displaying a detection area adjacent to the reference outline and detecting the outline of a figure within the detection area.

On the other hand, Shigemori discloses displaying a detection area adjacent to the reference outline, (see Shigemori, Fig. 6) and detecting the outline of a figure within the detection area, (see Shigemori, column 3 lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine displaying a detection area and detecting the outline of a figure within the detection area as described by Shigemori with the image capture using templates as described by Stephany et al in order to form a method of controlling operation of a digital camera to take an identification photograph in a natural setting because an ID photograph requires standardized formats and layouts in which ID bearer's desired head and shoulders must be correctly included; thereby, camera user is able to easily make an ID photo that meets predetermined criteria.

As for **claim 2**, as previously mentioned in the discussion of claim 1, Stephany et al and Shigemori disclose all of the limitations of the parent claim. However, both Stephany et al and Shigemori do not disclose, in discussion of claim 1, deleting the background area of the photographed image with respect to the detected out line.

On the other hand, Shigemori discloses deleting the background area of the photographed image with respect to the detected outline, (see Shigemori, Fig. 5 and column 3 lines 21-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement deletion of background area as described by Shigemori into the method of controlling operation of a digital camera to take an identification photograph in a natural setting because such implementation eliminate all unnecessary distraction of the background; thereby, the ID photo is clear and useful whenever presented to authorities.

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As for **claim 4**, as previously mentioned in the discussion of claim 1, Stephany et al and Shigemori disclose all of the limitations of the parent claim. Moreover, Stephany et al discloses that the type of frame and reference outline correspond to specifications input by a user, (see Stephany et al, Fig. 2 and paragraph [0034]).

As for **claim 5**, as previously mentioned in the discussion of claim 1, Stephany et al and Shigemori disclose all of the limitations of the parent claim. Furthermore, Stephany et al discloses that the step of performing photography includes allowing a user to aim the camera and set the zoom factor, (see Stephany et al, Fig. 3 and paragraphs [0034] and [0039]).

As for **claim 6**, as previously mentioned in the discussion of claim 5, Stephany et al and Shigemori disclose all of the limitations of the parent claim. Furthermore, Stephany et al discloses the zoom is an optical zoom, (see Stephany et al, paragraph [0034]).

As for **claim 7**, as previously mentioned in the discussion of claim 1, Stephany et al and Shigemori disclose all of the limitations of the parent claim. Furthermore, Stephany et al discloses the step of performing photography includes taking a digital photograph, (see Stephany et al, Fig. 1 and paragraph [0036]).

As for **claim 8**, as previously mentioned in the discussion of claim 1, Stephany et al and Shigemori disclose all of the limitations of the parent claim. Furthermore, Shigemori discloses the step of performing photography includes enlarging or contracted the detection area, (see Shigemori, column 3 lines 7-10).

As for **claim 9**, as previously mentioned in the discussion of claim 8, Stephany et al and Shigemori disclose all of the limitations of the parent claim. Furthermore, Shigemori discloses the detection area is enlarged or contracted based on user input, (see Shigemori, column 3 lines 7-10).

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephany et al (U.S. Pub. 2002/0171746 A1) and further in view of Shigemori (U.S. Pat. 6,907,136 B1) Yang et al (U.S. Pat. 5,923,380).

As for **claim 3**, as previously mentioned in the discussion of claim 2, Stephany et al and Shigemori disclose all of the limitations of the parent claim. However, Stephany et al and Shigemori do not disclose inserting a background image for the identification photograph in the deleted background area.

On the other hand, Yang et al discloses inserting a background image for the identification photograph in the deleted background area, (see Yang et al, column 5 lines 48-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement inserting a background image for the identification photograph in the deleted background area as described by Yang et al into the method as described by Stephany et al and Shigemori to form a method for ID photograph in which a background replacement is performed because this implementation does not require a photobooth where a standard background must be present. Thus, it is more convenient for camera users since they can take an ID photograph everywhere.

Regarding **claim 10**, Stephany et al discloses a method for capturing images using templates, the method comprising: allowing a user to input specifications corresponding to type of frame and reference outline for the identification photograph, (see Stephany et al, Fig. 2 and paragraph [0034]); Stephany et al discloses displaying the corresponding frame (20) and the corresponding reference outline (24) in a display unit, (see Stephany et al, Fig. 2 and Fig. 3); Stephany et al discloses allowing the user to aim the camera and set the zoom factor, (see Stephany et al, Fig. 3 and paragraphs [0034] and [0039]); Stephany et al discloses taking a digital photograph (112), (see Stephany et al, Fig. 1).

However, Stephany et al does not disclose displaying a detection area adjacent to the reference outline; Stephany et al does not disclose enlarging, contracting, or maintaining the detection area; Stephany et al does not disclose detecting the outline of a figure within the detection area; Stephany et al does not disclose deleting the background area of the photographed image with respect to the detected outline.

On the other hand, Shigemori discloses displaying a detection area adjacent to the reference outline, (see Shigemori, Fig. 6); Shigemori discloses enlarging or contracted the detection area, (see Shigemori, column 3 lines 7-10); Shigemori discloses detecting the outline of a figure within the detection area, (see Shigemori, column 3 lines 1-10); Shigemori discloses deleting the background area of the photographed image with respect to the detected outline, (see Shigemori, Fig. 5 and column 3 lines 21-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine displaying a detection area adjacent to the reference outline; enlarging, contracting, or maintaining the detection area; detecting the outline of a figure within the detection area; deleting the background area of the photographed image with respect to the detected outline as described by Shigemori with the image capture method using templates as described by Stephany et al in order to form a method of controlling operation of a digital camera to take an identification photograph in a natural setting because an ID photograph requires standardized formats and layouts in which ID bearer's desired head and shoulders must be correctly shown on a predetermined background.

However, both Stephany et al and Shigemori do not disclose inserting a background image for the identification photograph in the deleted background area.

On the other hand, Yang et al discloses inserting a background image for the identification photograph in the deleted background area, (see Yang et al, column 5 lines 48-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement inserting a background image for the identification photograph in the deleted background area as described by Yang et al into the method as described by Stephany et al and Shigemori to form a method for ID photograph in which a background replacement is performed because this implementation does not require a photo booth where a standard

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background must be present. Thus, it is more convenient for camera users since they can take an ID photograph everywhere as long as there exists a subject who needs an ID photograph.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Omura (U.S. Pat. 6,999,113) discloses an electronic still camera having an instant printer incorporated thereinto, that has an image processing function for making ID photographs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Le
January 22, 2007



TUAN HO
PRIMARY EXAMINER